

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

EMILIO VALDIVIA-PEREZ,

Defendant.

3:10-CR-00093-RCJ (VPC)

3:10-CR-00077-RCJ (VPC)

**PRELIMINARY ORDER OF FORFEITURE**

This Court finds that on February 22, 2011, defendant EMILIO VALDIVIA-PEREZ pled guilty to the One-Count Indictment in 3:10-CR-00093-RCJ (VPC), charging him with Felon in Possession of a Firearm in violation of Title 18, United States Code, Section 922(g)(1) and 924(a)(2), and pled guilty to Count Seven (7) of a Seven-Count Criminal Indictment in 3:10-CR-077-RCJ (VPC) charging him with Conspiracy to Possess with Intent to Distribute and to Distribute a Controlled Substance (Methamphetamine) in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B) and 846.

This Court finds defendant EMILIO VALDIVIA-PEREZ agreed to the forfeiture of property set forth in Forfeiture Allegation of the Criminal Indictment in 3:10-CR-00093-RCJ (VPC).

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Forfeiture Allegation of the Criminal Indictment in 3:10-CR-00093-RCJ (VPC) and the offense to which defendant EMILIO VALDIVIA-PEREZ pled guilty.

1           The following assets are subject to forfeiture pursuant to Title 18, United States Code, Section  
2 924(d)(1) and Title 28, United States Code, Section 2461(c):

- 3           a.       a Ruger model P89, 9 millimeter semiautomatic pistol, serial number  
4                   307-62171; and  
5           b.       any and all ammunition.

6           This Court finds the United States of America is now entitled to, and should, reduce the  
7 aforementioned property to the possession of the United States of America.

8           NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the  
9 United States of America should seize the aforementioned property.

10          IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of  
11 EMILIO VALDIVIA-PEREZ in the aforementioned property is forfeited and is vested in the United  
12 States of America and shall be safely held by the United States of America until further order of the  
13 Court.

14          IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America  
15 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture  
16 website, [www.forfeiture.gov](http://www.forfeiture.gov), notice of this Order, which shall describe the forfeited property, state  
17 the time under the applicable statute when a petition contesting the forfeiture must be filed, and state  
18 the name and contact information for the government attorney to be served with the petition, pursuant  
19 to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

20          IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed  
21 with the Clerk of the Court, Bruce R. Thompson U.S. Courthouse and Federal Building, 400 South  
22 Virginia Street, 3<sup>rd</sup> floor, Reno, Nevada 89501.

23 ...

24 ...

25 ...

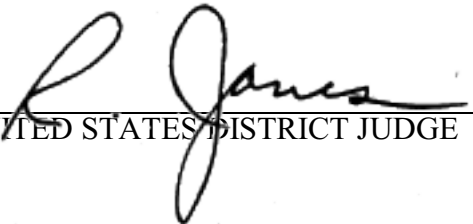
26 ...

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,  
2 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the  
3 following address at the time of filing:

4 Greg Addington  
5 Assistant United States Attorney  
6 100 West Liberty Street, Suite 600  
7 Reno, Nevada 89501.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein  
9 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency  
10 following publication of notice of seizure and intent to administratively forfeit the above-described  
11 property.

12 DATED this 1st day of July, 2011.

13  
14   
15 UNITED STATES DISTRICT JUDGE  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**PROOF OF SERVICE**

I, Greg Addington, certify that the following individuals were served with copies of the Preliminary Order of Forfeiture on February 23, 2011 by the below identified method of service:

Electronic mail:

Lidia S. Stiglich  
Stiglich & Hinckley, Llp  
3715 Lakeside Drive  
Reno, Nevada 89509  
stiglich@stiglichhinckley.com  
*Counsel for Emilio Valdivia-Perez*

/s/ Greg Addington  
Greg Addington  
Assistant United States Attorney